

U.S. Department of Justice



ORIGINAL

United States Attorney

Southern District of New York

DOCUMENT

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86 Chambers Street
New York, New York 10007

DATE FILED: 8-19-08

July 28, 2008

By Fax

Hon. Henry Pitman
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 750
New York, New York 10007

THE SCHEDULE
PROPOSED HEREIN IS
APPROVED

SO ORDERED

Re: Robert Henderson v. Astrue
07 Civ. 10564 (HBP)

Henry Pitman
HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE

8-15-08

Dear Judge Pitman:

This Office represents the Commissioner of Social Security, the defendant in this action. We write respectfully to advise the Court of the status of this matter and to request an extension of the briefing schedule.

Under the Court's current schedule, defendant's cross-motion is due by July 30, 2008, plaintiff's reply, if any was due by August 15, 2008, and defendant's reply, if any, was due by August 29, 2008. As we advised the Court earlier, this Office had asked the agency to reconsider its position in this litigation. After further review of the matter, the agency now wishes to seek a voluntary remand of this case. To that end, we wrote to plaintiff on July 25, 2008, and offered him a remand of this case to conduct further proceedings, and enclosed a proposed stipulation to that effect. Plaintiff, who is proceeding pro se, has not yet advised this Office whether he will accept the Government's offer of remand. To allow time for plaintiff to consider the Commissioner's offer, we respectfully request the Court adopt the following proposed briefing schedule:

The Government will cross-move for a remand by August 29, 2008;

Plaintiff's response, if any, is due by September 15, 2008;

The Government's reply, if any, is due by September 26,

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2008.

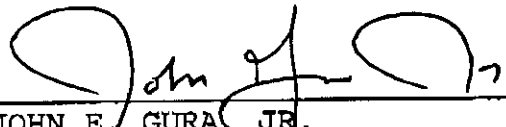
One previous request for an adjournment of the briefing schedule was granted in this case. We are not able to contact the plaintiff pro se, who recently advised this Office that he had been transferred to a new correctional facility and anticipated a delay in receiving mail.

We thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


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